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WARE FRESSOLA VAN DER SLUYS & ADOLPHSON, LLP BRADFORD GREEN BUILDING 5 755 MAIN STREET, P O BOX 224 MONROE, CT 06468				
			EXAMINER BILGRAMI, ASGHAR H	
			ART UNIT 2143	PAPER NUMBER
DATE MAILED: 09/29/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/099,902

Applicant(s)

SALMI ET AL.

Examiner

Asghar Bilgrami

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 July 2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-62 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-62 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 06/17/02, 07/29/02, 07/23/02

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Interpretation

1. For the purposes of examination, the examiner has applied the broadest reasonable meaning to the applicant's claim language.

The Examiner notes that when the applicant is claiming the term, "get presence primitive" that this is functionally equivalent to "subscription request" or any data structure being generated on a client system or device that is transmitted to a messaging server (see Figure 17 of U.S. Patent 6,564,261 B1).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-62 rejected under 35 U.S.C. 102(e) as being anticipated by Gudjonsson et al (U.S. 6,564,261).

4. As per claims 1, 2, 18-21 Gudjonsson disclosed a data structure including a plurality of primitives, each primitive for at least temporary storage in a computer-readable medium at a

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client and in a computer readable medium at a server during transfer of said primitives over a network between the client and the server, characterized in that the data structure includes a get presence primitive (32) provided from a client of a requesting user to a server to request presence information of a requested user, that the get presence primitive has various information elements including a requesting user identifier (col.11, lines 44-64 & col.26, lines 40-58), a requested user identifier, and a list of presence values requested, that the data structure includes a presence primitive (33) provided from the server to the requesting user client to provide the presence information, and that the presence primitive has various information elements including the requested user identifier and a list of presence values supplied (col.16, lines 20-47 & col.20, lines 4-23).

5. As per claims 22, 42 & 62 Gudjonsson disclosed presence information service management method for use by a server, characterized by a step of said server receiving (37, 38, 64; 84) presence authorization messages from users wherein said presence authorization messages are initiated by said users to pre-authorize access to selected presence information of said users (col.3, lines 1-13), by a step of said server receiving (31, 35; 86) presence information update messages from updating users wherein said update messages are initiated by said updating users (col.26, lines 40-64), by a step of said server receiving (32; 80) presence information request messages from presence service requesting users including users requesting presence information to which a response is required and including subscribing users initially subscribing to presence information to which on going responses including requested presence information are required (col.17, lines 19-37 & col.6, lines 44-56), by a step of said server

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determining (133f) if access to said requested presence information has been pre-authorized and, if not, requesting authorization (3G, 54; 82) from a requested user whose presence information has been requested, and if authorized or pre-authorized, by a step of said server providing (33) said requested presence information to which a response is expected to said requesting users requesting presence information to which a response is expected and providing (88, 90) requested presence information on an on-going basis to said subscribing users subscribing to presence information to which on-going responses are required, particularly after receiving said presence information update messages from said updating users (col.11, lines 31-64 & col.26, lines 40-64).

6. As per claims 6, 27 & 47 Gudjonsson disclosed the data structure of claim 1, characterized in that said presence information is classifiable in any one or more of the following: client reachability, user availability, user personal status, user or client location, and client capabilities (col.11, lines 44-64).

7. As per claims 23 & 43 Gudjonsson disclosed the presence information service management method of claim 22, characterized in that each of said presence information request messages comprises a primitive having various mandatory information elements including a message identifier, a transaction identifier, and an identification of a requested user (col.3, lines 1-13 & col.8, lines 47-65).

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8. As per claims 17, 24 & 44 Gudjonsson disclosed the presence information service management method of claim 23, characterized in that said primitive has at least one optional information element comprising a list of presence values requested (col.3, lines 1-13 & col.8, lines 47-65).

9. As per claims 4, 25 & 45 Gudjonsson disclosed the presence information service management method of claim 22, characterized in that said step of requesting authorization from a requested user is carried out by means of an authorization message comprising a primitive having various mandatory information elements including a message identifier, an authorization request transaction identifier, a requesting user identifier and a list of presence values (col.3, lines 1-13 & col.8, lines 47-65).

10. A per claims 5, 8, 26 & 46 T Gudjonsson disclosed the presence information service management method of claim characterized in that presence information is authorized by means of said authorization messages from authorizing users each comprising an authorization primitive having various mandatory information elements including a message identifier, an authorization request transaction identifier, a requesting user identifier, and a list of presence values (col.3, lines 1-13 & col.8, lines 47-65).

11. As per claims 3, 28 & 48 Gudjonsson disclosed the presence information service management method of claim 22, characterized in that a buddy list user maintains one or more buddy lists on a server for sending messages to one or more recipient users separately or to a

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whole buddy list, wherein the recipient users are not necessarily aware of the buddy list and cannot refer to the buddy list with any replies they make, and said buddy list user maintaining one or more buddy lists on said server is able to access buddy list presence information.

12. As per claims 9-11, 13, 29 & 49 Gudjonsson disclosed the presence information service management method of claim 22, further characterized by a step of said server receiving (190) join group primitives from member users joining a private user group, by a step of said server providing (186) presence primitives indicative of presence information of member users of said private user group to each member user upon joining said private user group but not after departing, and by a step of said server providing (194) group left primitives indicative of departed member users to remaining private user group member users upon receipt (192) of leave group primitives indicative of said departing member users (col.25, lines 21-42).

13. As per claims 30 & 50 Gudjonsson disclosed the presence information service management method of claim 29, characterized in that member users are joined by said step of joining only if said join group message is preceded by a step of providing an invitation to join primitive to said joining member user (col.25, lines 21-42).

14. As per claims 12, 31 & 51 Gudjonsson disclosed the presence information service management method of claim 22, further characterized by a step of said server receiving (400) a create group primitive from a member user creating a user group, said create group primitive having information elements indicative of identification of a client used by the user creating the

user group, identification of the member user creating the user group, and a list of member users of the user group, by a step of said server reporting (402) to the member users with a group information primitive indicative of establishment of the user group and selected group information, and by a step of said server permitting member users of the user group to interchange message primitives (col.14, lines 47-53 & col.17, lines 19-37).

15. As per claims 32 & 52 Gudjonsson disclosed the method of claim 31, further characterized by a step of said server receiving (404) a request for group information from a requesting member user, and by a step of said server reporting (406) to the requesting member user with a group information primitive indicative of selected group information (col.3, lines 1-13, col.24, lines 32-67 & col.25, lines 1-5).

16. As per claims 16, 33 & 53 Gudjonsson disclosed the method of claim 31, further characterized by a step of said server receiving (408) a request to modify said user group from a requesting member user, and by a step of said server reporting (410) to the requesting member user with a group information primitive indicative of selected group information (col.3, lines 1-13, col.14, lines 47-53 & col.17, lines 19-37).

17. As per claims 14, 34 & 54 Gudjonsson disclosed the method of claim 31, further characterized by a step of said server receiving (412) a request to delete said user group from a requesting member user, and by a step of said server reporting to the member users with a status

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primitive indicative of disestablishment of said user group (col.27, lines 36-44 & col.24, lines 15-31).

18. As per claims 35 & 55 Gudjonsson disclosed the presence information service management method of claim 22, further characterized by a step of said server receiving (550) a store content primitive from a storing user and storing any content conveyed in a content information element of said content primitive along with or according to information elements identifying said store content primitive, a store transaction, a storing user, a storing client used by said storing user, a group, properties of said content, and a header of said content (col.5, lines 7-10 & col.8, lines 47-65), by a step of said server providing (552) a content information primitive to member users in said group having information elements identifying said content information primitive, said store transaction, and said header, by a step of said server receiving (562) a get content information primitive from a retrieving user in said group having information elements identifying said get content primitive, a retrieval transaction, the retrieving user, a retrieving client used by said retrieving user, and said group, and by a step of said server providing (565) a receive content primitive to said retrieving user having information elements identifying said receive content primitive, said retrieval transaction, said group, said content, said header of said content, and having an information element containing shared content for storing among said member users (col.26, lines 59-67, col.27, lines 1-4 & col.27, lines 13-22).

19. As per claims 36 & 56 Gudjonsson disclosed the method of claim 29, further comprising the steps of a step of said server receiving (564) a delete content primitive from a deleting user

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having information elements identifying said delete content primitive, a delete transaction, the deleting user, a deleting client used by said deleting user, said group, and content for deletion, and by a step of said server deleting said shared content (col.27, lines 36-44, col.28, lines 45-58 & col.36, lines 47-55)

20. As per claims 37 & 57 Gudjonsson disclosed the presence information service management method of claim 22, further characterized by a step of said server providing (552) a content information primitive to a notified user from a server having information elements identifying said content information primitive, a store transaction, and a header (col.5, lines 7-10 & col.8, lines 47-65), by a step of said server receiving (562) a get content information primitive from said notified user having information elements identifying said get content primitive, a retrieval transaction, and said notified user, and by a step of said server providing (565) a receive content primitive from said server to said notified client having information elements identifying said receive content primitive, said retrieval transaction, said header, and having an information element containing shared content (col.15, lines 65-67, col.16, lines 1-6, (col.26, lines 59-67, col.27, lines 1-4 & col.27, lines 13-22)).

21. As per claims 15, 38 & 58 Gudjonsson disclosed the method of claim 34 for adding to said shared content at said server by a storing user, further characterized by a step of said server receiving (550) a store content primitive at said server having content in an information element thereof for said adding to said shared content along with or according to information elements

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identifying said store content primitive, a store transaction, the storing user and a header (col.5, lines 7-10 & col.8, lines 47-65).

22. As per claims 39 & 59 Gudjonsson disclosed the method of claim 37 for deleting from said shared content at said server by a deleting user, further characterized by a step of said server receiving (564) a delete content primitive from said deleting user at said server, said primitive having information elements identifying said delete content primitive, a delete transaction, the deleting user and content for deletion (col.27, lines 36-44) & col.24, lines 15-31).

23. As per claims 8, 40 & 60 Gudjonsson disclosed the presence information service management method of claim 22, further characterized by an exception management method for use in exception handling of a transaction by a user or server in responding to a request by said server or said user, respectively, by a step of providing a status primitive in said responding to said request for indicating success or failure of said transaction as well as further information contained in information elements of said status primitive, and by a step of receiving said status primitive in said requesting server or said requesting user for recognizing said indication of success or failure (col.3, lines 1-13, col.8, lines 47-65, col.11, lines 44-64 & col.17, lines 5-18).

24. As per claims 41 & 61 Gudjonsson disclosed the method of claim 40, wherein said information elements include a message identifier, a transaction identifier, and a status value indicative of said success or failure (col.11, lines 44-64 & col.17, lines 5-18).

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25. As per claim 18 Gudjonsson disclosed a device having means for at least temporarily storing a data structure for transmission or reception, characterized in that said data structure is according to claim 1 (col.11, lines 44-64 & col.26, lines 40-58).

26. As per claim 19 Gudjonsson disclosed a system having at least one server able to communicate with a plurality of devices, wherein a communication protocol is used between the at least one server and the plurality of devices with a data structure according to claim 1 (col.15, lines 65-67, col.16, lines 1-6 & lines 20-47).

27. As per claim 20 Gudjonsson disclosed the system of claim 19, characterized by said presence values having associated space and time information useable by said at least one server to modify said presence values or related presence values (col.17, lines 5-37).

28. As per claim 21 Gudjonsson disclosed the system of claim 20, characterized by said presence values having a validity attribute associated to said space and time information (col.17, lines 5-37).

Response to Arguments

29. Applicant's arguments filed 07/14/2005 have been fully considered but they are not persuasive.

30. The examiner appreciates the detailed explanation of the term "get presence primitive". However the specification (page.27, lines 7-11) on the definition of presence reads as follows; "The concept of presence means all kind of status information of a particular mobile or fixed user.....". It should be noted that all kinds of status information could include subscription information regarding a user.

Thus it can be interpreted as "get = request", "presence primitive = All kind of status information (including subscription information)".

31. The applicant argued "get presence primitive" may include various information elements including several that are explicitly claimed in claim 1, i.e., a requesting user identifier, a requested user identifier, and a list of presence values requested."

32. As to applicants arguments Gudjonsson disclosed user/client being securely connected and authenticated by the server by use of the identity information stored in the servers and matching it with the user/client information provided in the user request (col.8, lines 47-65).

Conclusion

33. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Asghar Bilgrami whose telephone number is 571-272-3907. The examiner can normally be reached on M-F, 8:00-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on 571-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



AB

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